IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.724 OF 2007

Smt.Manisha Vasant Mayekar ..
Petitioner

V/s.
The Chief Executive Officer,
Slum Rehabilitation Authority & Ors. ..Respondents

Mr.S.A. Sawant Petitioner.
Mr.G.D. Utangale for Respondent No.1.
Ms.A.R. Joshi for BMC.

CORAM : V.M. KANADE, J.
DATED : 30th APRIL, 2007.

P.C.:

1. Heard learned counsel appearing on behalf of the Petitioner and learned counsel appearing on behalf of the Respondents.

2. The Petitioner is challenging the order passed by the Slum Rehabilitation Authority, dated 19th October, 2005 whereby her application for including her name in the list of persons who are eligible for permanent alternate accommodation has been rejected.

3. Learned counsel for the Petitioner submits that the Slum Rehabilitation Authority has not taken into consideration documents which are filed by her and therefore, the order is liable to be set aside. He has annexed documents to his letter dated 18th November, 2005, which have not been taken into consideration by the Slum Rehabilitation Authority.

4.. Learned counsel for the Respondent-BMC submits that the Petitioner be directed to approach the Assistant Commissioner first who is a competent authority to decide whether the Petitioner is eligible to be included in the list of eligible persons. He submits that direction may be given to the Assistant Commissioner to decide the case on merits and in accordance with law.

5. In my view, it is quite apparent that the Slum Rehabilitation Authority has not even referred to documents which were filed by the Petitioner. The impugned order dated 18th November, 2005, therefore, will have to be set aside. The Petitioner to make a fresh representation to the Assistant

Commissioner G-North Ward within a period of two weeks from today and annex all the documents on which she seeks to rely. The Assistant Commissioner shall then give a report to the Slum Rehabilitation Authority stating therein whether the Petitioner is eligible to be considered for inclusion her name in the annexure 2. The Assistant Commissioner to decide the application of the Petitioner within a period of four weeks. If any adverse order is passed by the Assistant Commissioner, the Petitioner may file an appeal before the Slum Rehabilitation Authority. The Slum Rehabilitation Authority shall, if such an appeal is filed, decide the appeal as expeditiously as possible.

6. It is clarified that if the Assistant Commissioner holds that the Petitioner is eligible for inclusion of her name in the annexure 2, in that event the Respondents to take appropriate steps in accordance with law.

. Writ Petition is accordingly disposed of.

V.M. KANADE, J.